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there is anything in the deed or the situation of the property which indicates that it was intended to be appurtenant to the land granted. *Lathrop v. Elsner,* 93 Mich., 599; *Kuecken v. Valtz,* 110 Ill., 264. And it is a general rule that where an easement is manifestly intended for the benefit of the principal estate it will be held to be a permanent easement rather than a personal one, and this although no words of inheritance are used. *Chappel v. N. Y., etc., R. Co.,* 62 Conn., 195; *Hagerty v. Lee,* 54 N. J. L., 580. The fact that the right of way is to be used in connection with the occupancy of the grantee's land, and is useless for any other purpose, will overcome any presumption that it was to be intended to be in gross that might otherwise arise from the absence of the words "heirs and assignees." *Lidgerding v. Zignego,* 77 Minn., 421.

GRAND JURY—REFUSAL OF WITNESS TO ANSWER—PROMISE OF IMMUNITY.—EX PARTE NAPOLEON, 144 S. W., 269 (TEX.).—*Held,* a witness before a grand jury may, after having been promised immunity in prosecution, be compelled to answer incriminating questions. Davidson, C. J., *dissenting in part.*

Since the case of *Counselman v. Hitchcock,* 142 U. S., 547, it has been admitted law that the Fifth Amendment to the United States Constitution protects a person from any incriminating self-disclosure in any proceeding, civil or criminal. But the authorities are not in entire accord in the application of this rule to cases where immunity is promised. Numerous cases hold that a witness will be compelled to answer if granted complete immunity. *Re Van Tine,* 12 How. Pr., 507; *Kendrick v. Com.,* 78 Va., 492; *R. V. Charlesworth,* 2 Fost. & F., 326. Some cases hold that a witness will be required to answer if secured against prosecution for the offenses he discloses. *Brown v. Walker,* 161 U. S., 591; *Ex parte Cohen,* 104 Cal., 524. But the weight of authority seems to be that a witness should not be compelled to answer if the only security is that his testimony will not be used against him, since it may lead to the discovery of new evidence on which the witness might be convicted. *Counselman v. Hitchcock, supra; Re Walsh,* 104 Fed., 518; *People ex rel Lewisohn v. O'Brien,* 176 N. Y., 253; *Chappell v. Chappell,* 116 N. Y. App. Div., 573. *Contra, Mackel v. Rochester,* 42 C. C. A., 427; *State v. Quarles,* 13 Ark., 307. In *United States v. James,* 60 Fed., 257, it was held that a person cannot be deprived of the constitutional guarantee even if immunity be stipulated in a United States statute, but this holding was subsequently overthrown in *Brown v. Walker, supra;* the latter case being followed in *Commerce Commission v. Baird,* 194 U. S., 25.

HOMICIDE—THREATS—EVIDENCE.—OLIVE V. STATE, 57 So., 66 (ALA.).—*Held,* that threats to kill someone not definitely designated, when made shortly before the commission of the offense to which they may be construed to refer, are admissible, in connection with other explanatory circumstances and on proof of the *corpus delicti.*

The leading case is in accord with the rule allowing a general homicidal intent to be shown when it has an obvious bearing on consequential acts. *Ford v. State,* 71 Ala., 385; *State v. Windahl,* 95 Ia., 470; *Hopkins v. Comm.,* 50 Pa. St., 9. It follows that the same rule is applicable when the threat is directed against an entire family or class of persons *Palmer v. People,* 138 Ill., 356; *State v. Hunt,* 128 N. C., 584. But where the accused asserted two weeks before the homicide that he intended to emulate his parent and "kill his man" it was held incompetent to show malice. *Comm. v. Matthews,* 89 Ky., 287. Threats to kill someone within twenty-four hours are evidence of malice *prepense. Hopkins v. Comm.,* 50 Pa., 9; and declarations of a defendant that he felt like killing someone are admissible to show his frame of mind. *Muscoe v. Comm.,* 87 Va., 960. Statements of a person that he would kill anyone attempting to arrest him are admissible in behalf of an officer prosecuted for homicide. *Harris v. State,* 72 Miss., 99; but the evidence tending to indicate mere prejudice is properly excluded. *State v. Wise,* 33 S. C., 582. The admissibility of evidence of threats is not affected by the nearness or remoteness of the date of the commission of the threatened crime. *State v. McNally,* 87 Mo., 644; nor does the fact that threats were made indirectly or by innuendo make proof of them irrelevant. *State v. Tarter,* 26 Or., 38; but in all cases the threat must be capable of being construed against the person finally attacked. *Henson v. State,* 120 Ala., 316; *People v. Farley,* 124 Cal., 594.

HUSBAND AND WIFE—SEPARATE MAINTENANCE—JURISDICTION OF EQUITY—MCCADDIN V. MCCADDIN, 82 ATL., 554 (MD.).—*Held,* that a court of chancery has power to entertain an application by a wife against her husband for alimony, though she does not ask for a divorce.

It has been well established in England that even ecclesiastical courts—as well as courts of equity and law—will award alimony only as incidental to some other proceeding, as, commonly, divorce. *Ball v. Montgomery,* 2 Ves. Jr., 191; *Duncan v. Duncan,* 19 Ves., 394. This doctrine is followed in most American jurisdictions. *Shannon v. Shannon,* 2 Gray, 285; *Moon v. Baum,* 58 Ind., 194; *McIntire v. McIntire,* 80 Mo., 470. There is, however, considerable American authority—emanating, apparently, from an extraordinary provision inserted in the commissions of the English judges of equity at the time of Cromwell—which deems it an inherent power of equity to grant alimony—but not divorce—where alimony alone is sought. *Pearce v. Pearce,* 132 Ala., 221; *Butler v. Butler,* 4 Littell, 201; *Bishop on Marriage and Divorce,* Vol. 2, Sec. 353. This authority has been conferred by statute upon many of the jurisdictions which formerly denied its existence, and in other jurisdictions its existence has been confirmed. *Bigelow v. Bigelow,* 120 Mass., 320; *Harding v. Harding,* 144 Ill., 588. In England, too, right to bring an independent action for alimony has been provided for by a series of statutes extending the powers of courts of summary jurisdiction. *Summary Jurisdiction (Married Women) Act,* 58 & 59 Vict., c. 39. For what causes this relief will be granted where the authority to administer it is acknowledged, is most uncertain. Roughly,